

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

The amendments to the claims are supported in the specification as originally filed, for example at paragraphs 44-45, 53, 55 and 58 of the instant application. No new matter is being added by any of the present amendments.

### **The Claims are Patentable Over Mitsui (US PG PUB 2003/0059104).**

Mitsui describes a measurement process in which an image matching process is used to determine the locations of edges (see [0044]), thereby permitting a pattern to be evaluated using measurements from known points within the image (see [0047]). Mitsui does not discuss the use of a measurement model that itself includes the reference measurement information representative of measurements to be made using the measurement model as recited in claims 1, 13 and 21. Accordingly, the claims cannot be anticipated by Mitsui.

### **The Claims are Further Patentable Over Mitsui in view of Lee et al. (US PG PUB 2002/0110278), Oh et al. (US PG PUB 2003/0086616) and/or Saito (US PG PUB 2003/0126566).**

Lee was cited for teaching features of claims 7, 12, 19 and 29. Such features are irrelevant to the patentability of the claims over Mitsui, hence, even if such teachings were combined with those of Mitsui, the claims would remain patentable over that combination.

Saito was cited for teaching features of claims 10 and 23. Such features are irrelevant to the patentability of the claims over Mitsui, hence, even if such teachings were combined with those of Mitsui, the claims would remain patentable over that combination.

Oh was cited for teaching locating an area of interest during a semiconductor manufacturing process and the Office action hypothesized that it would have been obvious to one of ordinary skill in the art to restrict a measurement process to such an area of interest so as to accelerate the procedure. Whether or not this is true, even if such teachings were combined with those of Mitsui, one still would arrive at the invention recited in the present claims inasmuch as the system or process still would not make use of a measurement model that itself includes the reference measurement information representative of measurements to be made

using the measurement model as recited in claims 1, 13 and 21. Accordingly, the claims remain patentable over the combination of Mitsui and Oh.

For at least the foregoing reasons, the present claims are patentable over the cited references. If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,

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